

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF NEW YORK

3 -----
4 UNITED STATES OF AMERICA,

5 -versus-

08-CR-77

6 LINDA O'CONNOR and DEAN SACCO.
7 -----

8 TRANSCRIPT OF JURY TRIAL

9 held in and for the United States District Court,
10 Northern District of New York, at the Federal Building and
11 Courthouse, 15 Henry Street, Binghamton, New York, on
12 WEDNESDAY, May 7, 2008, before the HON. THOMAS J. McAVOY,
13 Senior United States District Court Judge, PRESIDING.

14 APPEARANCES:

15 FOR THE GOVERNMENT:

16 UNITED STATES ATTORNEY'S OFFICE

17 BY: MIROSLAV LOVRIC, AUSA

18 Binghamton, New York

19 FOR THE DEFENDANT O'CONNOR:

20 FEDERAL PUBLIC DEFENDER'S OFFICE

21 BY: LISA PEEBLES, AFPD

22 Syracuse, New York

23 FOR THE DEFENDANT SACCO:

24 KELLY FISCHER, ESQ.

25 Binghamton, New York

Miss Peebles - Opening Statement

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1 MR. LOVRIC: Just to mention, after Miss
2 Peebles does her opening, I'm going to need a break to
3 connect my laptop because we're doing a lot of things
4 through -- but she'll have to disconnect hers, I'll have to
5 connect mine, that will take -- I have to log on, it will
6 take me maybe five or ten minutes to do that. I don't know
7 if you want the jury to step out.

8 THE COURT: Right. We'll let them step out.

9 (Jury present).

10 THE COURT: Morning, ladies and gentlemen. I
11 have been told that there was some further media attention
12 given to the case and, as you'll recall my instructions last
13 night before you left, were to avoid any of that. Did
14 anybody happen to see any of that media attention? Nobody.
15 You're all going to take the Fifth, huh?

16 All right. At this time Miss Peebles is going
17 to address you with her opening statement on behalf of her
18 client, Miss O'Connor.

19 Miss Peebles, are you set?

20 MISS PEEBLES: I am, your Honor.

21 THE COURT: You may address the jury.

22 MISS PEEBLES: May it please the Court,
23 counsel, members of the jury: This case is about a mother
24 who was ill equipped to care and provide for her emotionally
25 disturbed 14-year-old daughter. Shannon O'Connor was

1 desperate in her quest to find a traditional family
2 lifestyle free from poverty. While Shannon O'Connor loves
3 and cares about her mother, she knew that she could never be
4 the mother that she so desired. Shannon knew in her heart
5 that Linda's mental and emotional limitations would never be
6 enough to provide her with the stability that she so craved.
7 Shannon O'Connor's beliefs about her mother's limitations
8 were confirmed and reinforced by the Department of Social
9 Services when she was introduced to two case workers, Naomi
10 Panus and eventually Elizabeth Chesebro. Shannon has said in
11 desperation what she thought those around her wanted to hear
12 in order to give her the attention that she was seeking, in
13 order to get her place permanently in a home where she would
14 never have to worry about finances and stability again.

15 Now, Linda -- Shannon grew up essentially as
16 an only child being raised principally by Linda as a single
17 parent. Linda O'Connor married a gentleman by the name of
18 Raymond O'Connor while he was in state prison. He's never
19 lived as a father for Shannon. They've never lived together
20 as a family. He's not the biological father to Shannon.
21 Linda had hoped that one day they would live together but at
22 this point that had never happened. Linda herself grew up in
23 extreme poverty and had a very difficult upbringing. She
24 herself grew up in foster, barely had any contact with her
25 parents. Her mother was a raging alcoholic. She gave birth

1 to her first child Walter Burkett, Junior when she was only
2 19 years old. She has a ninth grade education and she lacked
3 parenting skills. She had nothing to go on. She had no
4 money, no finances. As a result of her inability to parent,
5 Walter Burkett, Junior wound up spending the majority of his
6 life in foster care despite Linda's periodic attempt to try
7 to take care of him.

8 Shannon or Linda had hoped that would not be
9 the case with her daughter Shannon. Linda O'Connor suffers
10 from some serious physical disabilities, severe diabetes, and
11 severe epilepsy which required her to have brain surgery when
12 Shannon was just a small child. Those limitations have
13 always interfered with her ability on a day-to-day basis.
14 She along with the suffering from seizures could not drive
15 because of her condition so she's had to walk every where and
16 she couldn't really keep employment because of her seizures.
17 So she collects Social Security disability which again
18 doesn't provide for a large amount of income. But what
19 you're going to hear through the witnesss in this case is
20 that despite her meager financial means she always tried to
21 buy Shannon everything she wanted, even though she didn't
22 have the money and she was often criticized for spending
23 money on her that she simply did not have. Linda wanted to
24 provide Shannon with these things because she never had them
25 when she was a kid.

Miss Peebles - Opening Statement

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1 Throughout most of her life Shannon grew up in
2 Deposit, New York. It was in June of 2006 when the home that
3 they had been renting for several years was ravaged by flood
4 water and most of their personal belongings were destroyed as
5 a result of the flood. Because of their living situation
6 they had to move out and moved in with a friend, a woman by
7 the name Delores Tomins. You're going to hear from both
8 Shannon and Linda moved in with her while Linda tried to find
9 affordable housing. She searched the paper and couldn't find
10 affordable housing in Hancock, Sidney and Deposit. So she
11 did, as a result of the flood, receive a check for over five
12 thousand four hundred dollars to reimburse her for damage to
13 her property that was destroyed. It was disaster relief
14 money that was provided from FEMA. She's at a diner eating
15 with Delores Tomins when they're looking through the paper
16 and find an ad, there's a house in Norwich at 45 Fair Street.
17 So at that point she calls the number and she speaks to Dean
18 Sacco for the very first time and he tells her if you're
19 interested in the apartment you can go there now and the
20 upstairs tenants will show you the apartment. If you're
21 interested in this, give me a call back. So Miss Tomins
22 takes her over to 45 Fair Street in Norwich. The upstairs
23 tenants, Larry Piper, shows her the apartment and immediately
24 Linda falls in love with the apartment. Two bedrooms, big
25 kitchen, sun room. It was nicer than any place she rented

1 before. She did not want the opportunity to pass by and she
2 had over \$5,400 of disaster relief money. She looks at the
3 property on July 23. On July 24 she gets a hold of Dean
4 Sacco and she tells him she's interested and he says, well,
5 there's already been several individuals that are interested
6 in the property. Linda tells him I've recovered money from
7 the disaster relief, I was a victim of the flood, I'll wire
8 transfer you three months worth of rent, August, September
9 and a deposit. She wire transfers him on July 24 over
10 \$1,800. It cost her extra hundred dollars to wire transfer
11 to him. So she paid for August, September and had \$600 as a
12 deposit. Linda had hoped that this would be a new beginning
13 for her and Shannon and it would provide more opportunities
14 for Shannon. There was more to do for her in the Norwich
15 area than in Deposit.

16 Now, they move in and she meets Mr. Sacco for
17 the very first time on August 2 of 2006. What you're going
18 to hear is Mr. Piper watching as Dean Sacco ingratiates
19 himself into the O'Connor family. Clearly Shannon O'Connor
20 is starving for attention. She lobs on to him and Linda
21 O'Connor with her limitations is taken. He's a smooth
22 talker. He's helping move all of their belongings into the
23 house and then he suggests to Linda, well, you should sign
24 Shannon up for the YMCA Day Camp down in Norwich because he
25 works out there so Linda does but before she moves in, she

1 gets the approval of the landlord to buy Shannon a puppy. So
2 she spends \$800 on a puppy named Buddy and she thought, well,
3 this would be a perfect puppy for her to adjust to her new
4 environment. Shannon wanted it so Shannon got it, \$800 dog.
5 She moves in and he suggests the YMCA. She signs her up for
6 the YMCA in Norwich at the suggestion of Dean Sacco.

7 Now, within the first week of living at 45
8 Fair Street, things aren't going so well because, first of
9 all, Linda doesn't have the patience or the ability to care
10 for a puppy and Shannon wasn't really ready to take on that
11 kind of responsibility on her own. The puppy had to be
12 trained, fighting and arguing over the puppy. You're going
13 to hear about that because what happens is that first week
14 when they're in Norwich, August 11, she shows up at day camp
15 and Shannon and says I took my mother's medication because it
16 was an act she said of trying to kill herself. So, as a
17 precautionary measure, they call an ambulance. They take her
18 to the Chenango County Memorial Hospital and do all this
19 blood work. This is where the first time the Department of
20 Social Services enters into the O'Connor life. Naomi Panus.
21 Shannon says to the case workers, to the doctors, you're
22 going to hear this, my mother is physically and verbally
23 abusive to me. And when Linda goes to the hospital she's
24 shoots back, do you see any bruises on her? And they said,
25 well, that doesn't matter. They send her for five days to

1 psychiatric -- for psychiatric evaluation in Syracuse.
2 That's why she was in the hospital. What you're going to
3 find in her blood work, she didn't have elevated levels of
4 medication in her system. She says she took three shots of
5 her insulin medication. We have those medical records.
6 You're going to get a chance to look at those. Was it a
7 suicidal gesture or an act for attention? Well, that's
8 August 11.

9 August 19, Shannon's home not more than three
10 days. Linda is doubled over in pain vomiting. The upstairs
11 tenant, Mr. Piper, has to take her to the hospital. Linda
12 tells Shannon to check in with the Pipers and the Pipers are
13 going to watch her. She has no idea how long she's going to
14 be in the hospital. She's doubled over in pain with kidney
15 stones. Her stay at the hospital turned out to be a lot
16 longer than she anticipated. She wound up developing a blood
17 infection and required ten days at the hospital but the very
18 next day, August 20, Shannon shows up at the Y camp and
19 promptly tells the director at Y camp, my mother left me home
20 alone and there's no food in the house. So immediately the
21 case workers show up and they see there's some superficial
22 cuts on her wrist where she said she was trying to cut
23 herself.

24 Now, as a result of her obvious need for
25 supervision and the fact she has some serious mental health

1 issues, the Pipers were clearly not equipped to care for
2 Shannon. What they do, they call a family friend, Renee
3 Lang. Renee Lang, you heard the government discuss Renee
4 Lang. She was a friend of the family, of Linda and Shannon,
5 and she steps in and agrees to take custody of Shannon and in
6 the meantime a neglect petition is filed. September 14 it's
7 filed by Naomi Panus and it alleges that she was left home
8 alone with no food in the house and no appropriate
9 supervision, so she's going to be placed temporarily in the
10 custody of Renee Lang where she stayed until she returns back
11 to Linda.

12 Now, Linda doesn't return home from the
13 hospital right away because she's in the hospital for a
14 period of ten days but when she gets home she has a check
15 waiting for her for over \$3,000, \$3,300. Again, disaster
16 relief money that she was given by the state. You're going
17 to see the bank records and the money that comes in and out
18 of her checking account. September 27, she's still with
19 Renee Lang. Linda's having phone contact, limited phone
20 contact. You're going to learn there was rift between Renee
21 and Linda that had been ongoing for years and in the meantime
22 Shannon is confronted about looking at pornography, not just
23 pregnancy sites, she was looking at X-rated videos and gay
24 men, seeing gay men on the internet which was not -- it
25 didn't have anything to do with being worried about being

1 pregnant. She's confronted about that by her case worker and
2 she denies it. She lies. She was on the Walt Disney site
3 and I was looking at Bo Bice sites. It's not until she is
4 further pressed that she finally breaks down and admits it.
5 And on top of that she says please don't tell my mother. Do
6 not tell my mother. That's exactly what she instructs the
7 case worker to do. By the end of September, Renee Lang has
8 had it up to her eye balls and cannot control Shannon. She
9 had enough so she had to go back and live with Linda.

10 When Shannon returns home to her mother in
11 October of 2006, the Department of Social Services is heavily
12 involved in their day-to-day lives. They have -- each have
13 their own counselor. Linda has her counselor, Shannon has
14 her counselor. They are seeking services. They have a
15 parent aid. Linda is learning how to manage her money.
16 They're constantly monitoring school attendance. They're
17 heavily involved in their lives. October 25 the Pipers move
18 out of the upstairs apartment and Mr. Sacco moves in. Mr.
19 Sacco talked about revamping the back garage to make a living
20 space because he worked at some organic farm on the weekends
21 in Norwich. He was always putt-sing around the property,
22 fixing it. The neighbors all saw him there and saw Shannon
23 around him all the time.

24 So he moves in on October 25. Now, again,
25 taking advantage of Shannon's vulnerability, she's never had

1 a father figure. The only person she knows as a father has
2 been in custody since she was born. So she's never had a
3 biological father. She's never had closeness to anybody and,
4 of course, Linda is limited. Now what happens on
5 November 21. Naomi Panus transfers out of Chenango County
6 Department of Social Services and in walks the new case
7 worker, Elizabeth Chesebro. Now, the day after that there is
8 a Family Court order that says Linda is not to allow Dean
9 Sacco around Shannon O'Connor unsupervised. Why is that?
10 There were absolutely no allegations of sexual abuse at that
11 point. None. And if there were, the Department of Social
12 Services would have been heavily involved. They were already
13 involved in their lives. What was the basis for the Court
14 order? The neglect petition that was filed in September when
15 Linda was in the hospital because Shannon made some comment
16 to one of the directors at the YMCA that her landlord creaped
17 her out. She made that comment, which she made many comments
18 about many people, but she made that comment and as a result,
19 they issued this Family Court order. No allegation
20 whatsoever that there was any type of sexual abuse.

21 Now, December rolls around and there's all
22 kinds of controversy going on with Linda and Shannon and
23 they're trying to adjust to this new living arrangement and
24 you're going to hear testimony from people in Deposit, Linda
25 would take Shannon to the Best Western across the street from

1 the Oakdale Mall in the heart of the shopping hub, in the
2 shopping district down in Johnson City because that was the
3 mall that they would go to go shopping which is something
4 that they did and the pictures you're going to see are older
5 pictures when she was younger jumping on the bed and having a
6 good time in the hotel. That is something that they knew
7 that Linda did. That was a way of taking her on vacation.
8 She had limited means and Shannon loved it and enjoyed it and
9 talked about it with other people. So Linda on December 1 of
10 2006 which was a weekend, by the way, which is a Friday, she
11 takes Shannon to the Best Western at Johnson City. And Linda
12 registers in her own name and they shop for two days and
13 you're going to hear they go to Chuckie Cheese and she gets
14 her hair straightened and they go out to dinner. What you're
15 not going to hear is that there is any other trip or any
16 other registration at the Best Western in 2006. That's the
17 only time she took Shannon when they moved to Norwich is
18 December 1. And that's what the proof is going to show.

19 December 6 rolls around. Linda spends a lot
20 of money at the Best Western taking her shopping, getting her
21 hair done. By December 6 Dean Sacco is calling the
22 Department of Social Services complaining that Linda hasn't
23 paid the rent. Immediately he's calling and complaining. So
24 Linda on December 14, confronted by Elizabeth Chesebro and
25 asked about this situation, and she says I'm in the process

1 of applying for HUD. She had received HUD when she was in
2 Deposit. She didn't have to do that because she had received
3 all that flood recovery money, she dragged her feet and in
4 December she got the ball rolling and you're going to hear
5 from Delaware Opportunities that she was applying for HUD.
6 On December 16 Dean Sacco calls DSS and says if Linda doesn't
7 pay the rent I'm evicting her and Shannon. Now, ask yourself
8 this, does it make any sense whatsoever that he would be
9 calling the Department of Social Services complaining if he
10 had some arrangement going on with Linda? And the only time
11 she struggles to pay the rent is in December of 2006. After
12 that in January HUD takes over.

13 She begins receiving HUD assistance and on
14 January 26 they give her a check for over \$2,000 to reimburse
15 her because she was victim of a flood so again she has money.
16 January 30 they're in the Pet Depot and Shannon sees a dog,
17 another dog, and Linda buys it for her because she had the
18 check for over \$2,000. So she spends more money on her for
19 the puppy. If Shannon wanted something Linda tried to buy it
20 for her and she never thought into the future.

21 February 25, Linda's obviously running low on
22 money. She takes Shannon to the Pizza Hut. They eat and
23 they leave. Now Linda doesn't have a car so she can't hop in
24 the car and peel out of the parking area. She eats, leaves
25 and she's immediately arrested. She's arrested for leaving

1 the restaurant without paying and she had Shannon with her.
2 On February 26, Shannon is whisked out of the home and put
3 into foster care and on February 26 it is the first time
4 Shannon O'Connor sees what it is like to live in a stable
5 family environment when she was placed to live with Kim and
6 Dick Hamilton.

7 Now, what you're going to hear is Elizabeth
8 Chesebro comes very actively involved with Shannon when she
9 gets placed. She was before, she had a lot of contact with
10 her. You're going to hear she takes her on car rides, to and
11 from doctor appointments, to and from school extra-curricular
12 activities. They have discussions about use of condoms and
13 it's not long into her placement at the Hamiltons she's in a
14 science class at school and she -- they're talking about
15 puberty and Shannon approaches her teacher after the lecture,
16 and this is on March 2 of 2007. Shannon tells her teacher, I
17 was sexually abused by the landlord. She doesn't give his
18 name. She says she was sexually abused. As you can imagine,
19 there's a full-fledge investigation that takes place.

20 Elizabeth Chesebro's notified. She goes over to the
21 Hamiltons and does a full interview of Shannon and Shannon
22 tells her about everything that happened and she says when it
23 happened. It happened when we first moved in. That's in
24 August of 2006. She talks about the color of the condom,
25 where her mother was because her mother wasn't where she was

1 and didn't have any idea. What you're going to hear her also
2 say specifically is that at one point we were upstairs and
3 Dean told me not to make any noise or my mother was going to
4 hear. She specifically tells her that. You're also going to
5 hear that a friend of hers came over at one point, the
6 parents were in the driveway. Mr. Lovric, what he told you
7 in his opening is what the evidence is going to say that
8 Linda bounded up the stairs and yelled for her to come down.
9 Well, we've done some of our own investigation and I think
10 what Lisa Parmalee is going to say, Linda wouldn't get off
11 the couch. Now ask yourself this: Does it make any sense
12 that Linda would just sit there and try to yell up for
13 Shannon if she had any idea what was going on when her friend
14 and parents are in the driveway? Listen carefully to what
15 Shannon says during that first interview. She's telling
16 everything like it is. Now what's key and critical is on
17 March 14 Shannon's taken down to the police department in
18 Norwich by Detective Blenis, by Elizabeth Chesebro. She
19 takes her down there, she's part of all this, there with her.
20 They set Shannon up and what they touched on is the original
21 phone call wasn't recorded, so you don't hear what took place
22 but it sounds like what happened is they got cut off because
23 it sounds like Dean Sacco tried to call Shannon back and
24 didn't know she was in foster care so he actually called
25 Linda at home about Shannon and Linda had to say, well, she's

1 in foster care. So what happens is, he learns at that point
2 when he tries to call her back when she's in foster care so
3 then Shannon gets a hold of him and calls him again and then
4 the phone call takes place and you're going to hear exactly
5 what takes place. She starts launching into I just want to
6 know whether you used a condom last time we Had sex? And
7 then he goes on to say, you know, well, Shannon you sounded
8 depressed, I called your mom, found out you were in foster
9 care, is everything okay and he says you sound depressed.
10 What are you are you talking about? And then it goes into
11 didn't you tell me your grandfather had sexually touched you
12 in the past? You're going to hear that in the phone
13 conversation. You're going to hear I never said that, I
14 never said that. He's old, he's sick, he was undergoing
15 chemotherapy. I never told you that. Isn't the guy you call
16 Grandpa, didn't he sexually touch you and she denies it and
17 she's trying to get him to stop the conversation and she
18 says -- everything she says is correct. He had cancer, he
19 died. He was undergoing chemo. He was sick. You're going
20 to hear from Renee Lang, his wife. What do you hear on
21 March 14? March 15 she makes another controlled call and
22 what Mr. Lovric said is absolutely correct. You're going to
23 hear Mr. Sacco pleading with her, basically trying to pull at
24 her heart strings to not say anything about this relationship
25 that they had and you can tell there was something going on

1 where she was confiding in him, well, isn't there somebody
2 you can talk to. Would your mother help you if you were
3 pregnant. How about some adult social worker, could they
4 help you? He's going on people that get accused of this, get
5 their teeth kicked in, beat up. You're going to hear all of
6 this, not once, not once during that phone conversation is
7 Linda's name mentioned as having any knowledge about what
8 took place. Not once. It's him pleading my mother's going
9 to be devastated, his mother. I'm going to lose my cats. I'm
10 going to go to prison for life. That's what you're going to
11 hear on those phone calls. Don't get me wrong, to hear a
12 young child on the phone using those types of terms and
13 knowing what happened to her and it's very difficult to
14 listen to but it's critical to pay close attention to because
15 I submit that that is exactly the truth. That is what
16 happened.

17 Linda is questioned on March 22. She's taken
18 down to the police station. Elizabeth Chesebro's present and
19 she's confronted and she's asked did you violate a court
20 order and she admits it? She says yes, I didn't see any
21 reason to follow it. I trusted him. I trusted Dean. He
22 took her horseback riding, ice skating and she trusted him.
23 And she says yes, I left Pizza Hut without paying.

24 April through June she has -- Shannon has very
25 limited contact with her mother and everything is supervised.

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1 Everything. Her money, conversations are supervised, her
2 letters, any correspondence, face-to-face contact is
3 supervised. Parent aid always listening to what is being
4 said. They were not allowed to discuss anything having to do
5 with Dean Sacco. She couldn't offer comfort to her daughter.
6 She wasn't even allowed to discuss it around her so Shannon
7 couldn't get the comfort from her mother because she wasn't
8 allowed. She was getting her comfort from Elizabeth
9 Chesebro, from the Department of Social Service. That's
10 where she was getting her comfort from. Everything is going
11 to be fine and you're going to hear she testifies in front of
12 the grand jury. Why didn't you tell your mother she's in
13 front of the state grand jury, not the federal grand jury,
14 the state grand jury and she says because I was embarrassed
15 and I was scared. May 21 she gives a victim impact statement
16 and again she's upset because her mom didn't protect her.
17 She violated the court order and she says that Dean should be
18 punished, not her mother, for what Dean did to me. July 2,
19 now this is where the contact really comes to an end between
20 Shannon and her mother. Linda is incarcerated for 90 days
21 for leaving Pizza Hut without paying and for violating a
22 court order so, as a result, she's sent to the local county
23 lock up and she can only have letter correspondence with
24 Shannon and a little bit of phone contact but, again,
25 everything is supervised. You're going to hear Shannon wants

1 her mom to change and she really is hoping that she will and
2 she'll learn a lesson from all of this and she'll get her act
3 together, learn to manage her money and all of those things
4 and the parenting skills, but you will hear repeated
5 throughout that the case worker, Elizabeth Chesebro's, going
6 to tell her, well, you can lead a horse to water, but you
7 can't make her drink. Don't count on it. Some people, as
8 much as they want to change, probably not. That's what
9 you're going to hear was said to her and you're going to hear
10 that early on Elizabeth Chesebro, back in March, has a
11 suspicion. She says she has a suspicion that Linda was
12 prostituting Shannon for rent. That's why this was going on
13 with the landlord.

14 Now, Shannon knows her mom is going to be
15 getting out of jail October 11 of 2007. Shannon writes a
16 letter to her mother on September 13. She writes a letter
17 and she's very angry in the tone of the letter saying you're
18 going to choose Raymond over me. You're going to get out of
19 jail and you're going to take off with Raymond O'Connor and
20 you're going to leave me. You're going to see the letter
21 it's going to be offered into evidence. And she's very angry
22 that she's going to make a choice. September 20 Shannon is
23 removed from the Hamilton home and placed in a psychiatric
24 hospital because she makes suicidal statements. She has
25 superficial cuts, scratches on her wrist and she's put into a

1 psychiatric center and the main advocate for Shannon and the
2 whole case coordinator is Elizabeth Chesebro and she becomes
3 actively involved, giving information to the counselors and
4 psychiatrists at this psychiatric hospital. On September 24
5 Shannon is running through the facility out of control,
6 alarms are going off and they have to give her STAT
7 medication in order to get her to calm down. Now, right
8 before Linda is released from jail you're going to hear that
9 Shannon is repeatedly asking about her mother. She's getting
10 out. She's concerned who's going to take care of her, how
11 she's going to feed her and where she's going to live. It
12 was interesting, and Linda O'Connor stayed in the house until
13 November of 2007, despite the fact the landlord was having
14 sex with her and all this stuff. Well, the bottom line is
15 she was in jail and she couldn't move out until she got out
16 of jail and she moves out in November and she finds a new
17 place and that's 14 Miller Street. That's where the search
18 warrant was executed in this case.

19 October 24 Shannon is asking what's my mother
20 been doing since she's been home from jail? Since
21 September 20 when she's put in the psychiatric hospital she
22 has no contact with her mother. Shannon has no idea what's
23 going on with her mother. Totally alienated from her mother
24 by this point. Completely. Any cards Linda tried to send,
25 any letters, and you'll see some of what she tried to send,

1 it says refused to give and you'll see those. They're going
2 to come into evidence. She didn't know what her mother was
3 doing. She didn't have any idea. What she asked Elizabeth
4 Chesebro is what has my mother been doing since she's been
5 home from jail? Elizabeth Chesebro says not much. Not much.
6 And Shannon says, well, I didn't think she would anyway.

7 On October 25 she starts saying I have more to
8 tell. I have more to tell about my mother, it's going to get
9 her in trouble. What does she say? During this October 25
10 interview that she has with Elizabeth Chesebro, she says my
11 mom would give me alcohol. My mom gave me five Vicodin. I
12 was home for school from two weeks. I was home from school
13 for two weeks and I was very sick. She's 87 pounds. She's
14 saying her mother gave her five Vicodin. She missed a week
15 of school in December and she was at the YMCA that Friday.
16 Case workers were going to the house regularly. She was
17 never put in the hospital. They were under the belief that
18 she had the stomach flu.

19 October 29, Shannon gives a taped interview
20 with the -- she gets taken out of the psychiatric facility.
21 She gets brought over. You're going to see this. This is a
22 video that you're going to get to see. She's brought over to
23 the interview room. She's on center stage like she was when
24 she did recorded the phone call. She's got Detective Blenis,
25 Elizabeth Chesebro. She goes through, well, I'm really mad

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1 at my mom. My mother took pictures of me. She came into my
2 bedroom. Listen to what she says. My mother let Dean come
3 into my bedroom, she came in and put something over the
4 window. She was having sex with me. She was taking
5 pictures. I was really mad. I wanted to punch her in the
6 face. Later on in the interview you've got to hear -- you've
7 got to watch the nature of the questions and how they lead.
8 Some of the questions that they're asking when they're trying
9 to elicit information later on in the interview. You're
10 going to hear detective asks her, so when did your mom put
11 the sheet up? She came in, she put the sheet up, sun was
12 bothering me -- in my eyes. I'm sorry. What you're going to
13 hear when you hear the tape is that she probably forgot what
14 she had said and the basis for the sheet was because the sun
15 was in her eyes and it bothered her. That's what I'm saying,
16 if you listen closely to this detail, it's important. It's
17 important because lies are difficult to remember where the
18 truth isn't. It's at this point in time where she brings up
19 this notion that her mom was taking photographs of her while
20 she's having sex with Dean but later on -- that's the second
21 statement I'm going to offer, that statement as well because
22 I think you should see everything and in that statement
23 you'll hear it's October of '06. Now she doesn't even get
24 back with Linda until October 11, I believe, of 2006. She's
25 going to say, and in her first statement that she gives in

1 March, she says she doesn't see Dean Sacco after August until
2 November of 2006. This is entirely different. Now, you're
3 going to hear in the tape, at the end of the tape when she
4 invites Elizabeth Chesebro to a Halloween party they're going
5 to have at Binghamton Psych, at the hospital. Elizabeth
6 Chesebro doesn't kind of answer her about whether she's going
7 to go and she stares at her but then you're going to learn
8 after the Halloween party, when Elizabeth Chesebro doesn't
9 show up, she becomes out of control, banging her head against
10 the wall. She has to be given stat medications.

11 November 6 is key. She wanted to know whether
12 or not Detective Blenis had talked to her mother about
13 allegations. They basically don't tell her anything. She
14 says when it's appropriate for you to know. Well, on the
15 phone she asked her will you come here and see me tomorrow?
16 Elizabeth Chesebro say I can't, I have obligations. I've
17 been out of the office. What you're going to learn is that
18 within two hours after that phone call she makes another
19 suicidal gesture. She takes a shoe lace and puts it around
20 her neck which shocks everybody. They can't figure out how
21 this could happen.

22 November 30 Shannon still has no contact with
23 her mother. She has no idea what's going on. She's claiming
24 now, she's running around I have more to more tell. I have
25 more to tell about my mom. Shannon O'Connor is interviewed

1 for a third time and again she's brought down. There's a
2 woman named Denise Oliver, forensic interviewer, and have
3 Elizabeth Chesebro who does all the questioning and Detective
4 Blenis is in another room wearing a earpiece so he can hear
5 what's being said and chime in if he has any questions. And
6 during that interview Shannon says my grandfather sexually
7 abused me. My mother sexually abused me. She would come
8 into the bathroom when I was 11 and kiss me in my vagina,
9 fondle me and this started happening then and then just out
10 of the blue you're going to hear them say, did she say
11 anything when she would do this? No, she never said
12 anything. Again, listen to what she says and how she says
13 things happened. Out of the blue her mother starts sexually
14 molesting her in the bathtub and fondling her and by the way
15 my grandfather started sexually touching me and abusing me,
16 we never had sex, fondled me and abused me. Took pictures of
17 me giving my grandfather a blow job or they're on his hard
18 drive. It's one of those cameras where you can put the
19 camera to the hard drive and transfer it which would -- it
20 would have seemed to be a digital camera.

21 She says that her mother took her to the Best
22 Western on two separate occasions since they moved to
23 Norwich, two separate occasions and had two different men on
24 two different occasions rape her, sexually molest her and
25 then paid her money mother money. The problem with that is,

1 they went and got hotel registrations and the hotel
2 registrations suggest that Linda O'Connor was there once.
3 That was a weekend, Shannon said it was during the week, she
4 took me out of school. It was the weekend, December 1
5 through the 3 in 2006. There were no other registrations.
6 What I heard from Mr. Lovric in his opening is that, oh,
7 well, there was another time they went you're going to hear
8 that the guy was sitting in the bedroom when they got up
9 there. Well, that is not what she says during the videotaped
10 interview. She specifically says two separate occasions, two
11 separate men, they were all in -- December, it was right
12 around her birthday, and then earlier in the fall and both
13 times my mom registered under her name, under her name and we
14 got two cards, two keys and we checked in and my mom was
15 making calls. Well, there aren't any phone calls from the
16 Best Western to anybody and there aren't any phone calls from
17 Linda's cellphone that suggests that she had tried to find
18 some men to meet up with them at the Best Western because
19 there is no proof. There's absolutely no proof that you're
20 going to hear apparently now in order to, I guess, figure out
21 a way to get around the fact that there was no registration
22 with Linda twice. They're going to say there was a guy up in
23 the bedroom waiting. That's not what she said when she was
24 interviewed on December 3.

25 So after all of Shannon's interviews, what

1 will the evidence show? Well, Liz Chesebro files on
2 December 5 a child protective in that report which we'll
3 introduce that says Linda and boyfriend George who had
4 regular and consistent contact with Shannon sexually abused
5 her on a regular basis. Linda and George together both
6 performed oral sex on Shannon and made her perform oral sex
7 on them. Linda and George also fondled Shannon sexually at
8 the same time. Linda, with the landlord, also sexually
9 abused Shannon by performing oral sex on them. Linda also
10 videotaped the landlord having sexual intercourse with
11 Shannon. Linda had taken many pictures of Shannon while
12 performing sexual acts. Linda then posted video of Shannon
13 of various sex acts on the internet. Linda also prostituted
14 Shannon out to at least two different men. That's what
15 Elizabeth Chesebro files as an abuse petition.

16 Summary of the evidence regarding George Lang.
17 There are no pictures of Shannon on George Lang's hard drive.
18 What was on George Lang's hard drive? Well, the government's
19 going to say, well, it was corrupted. What were they able to
20 pull off the hard drive? They pulled up e-mails between
21 Linda and George and Renee and Linda and George. There's
22 obviously a rift going on between them and they're fighting
23 over whatever and the bottom line is, there are no
24 photographs of Shannon and there's nothing that suggests that
25 there was any kind of illicit activity going on with any kind

1 of pornography. There was adult pornography that George Lang
2 had on his computer that Renee Lang knew he looked at and
3 they're able to pull those pictures off the hard drive.

4 There's absolutely no proof that George Lang ever owned a
5 digital camera. Ever. There's no proof that Linda O'Connor
6 ever owned a digital camera. George Lang was diagnosed with
7 terminal cancer. He had lung cancer. He was diagnosed in
8 2004 and his wife is going to testify that basically he was
9 undergoing chemotherapy. He was very sick in December of
10 2005. He was very sick and by February it metastasized into
11 his brain. Part of the fighting that was going on you're
12 going to learn was because he was out of his mind by the
13 spring and he dies in July of 2006. He was a very difficult
14 man to be around because of his brain cancer. What Shannon
15 O'Connor spoke in this phone conversation about him being
16 old, sick and undergoing chemo, that was true. And again he
17 died in July of 2006.

18 Summary of the evidence regarding Dean Sacco.
19 Make no mistake, I do not represent Dean Sacco. Far from it.
20 My client is sitting in a courtroom next to a table with a
21 man she cannot stand. The phone calls of March 14 and 15. A
22 condom that they find in a storage area miles from 45 Fair
23 Street. Why will that be significant? When you hear the
24 evidence you're going to hear that he had videos and journals
25 and pictures, none of Shannon but he has a condom with her

1 DNA. So clearly there's proof that he had sexually abused
2 Shannon O'Connor. They didn't find any child pornography in
3 Dean Sacco's storage shed. They found pornography and things
4 but they didn't find child pornography.

5 Summary of the evidence against Linda
6 O'Connor. She took her daughter to the Best Western and she
7 took her daughter there one time in 2006 and we're not
8 disputing that. There were no phone calls made from the
9 hotel room or anybody or from cellphone records. There's no
10 men that have been identified that she had to meet up with at
11 the Best Western. What is the summary of the evidence
12 further regarding the rent? Well, we know she wire
13 transferred Dean Sacco, we have the proof of that, \$1,800.
14 We know she had cash funds for October and November, ATM
15 withdrawals in the amount of \$600, November 1. Two \$400
16 withdrawals right next to each on November 1. We know she
17 got reimbursed for the flood in January for December and we
18 know she started getting HUD assistance in January and we
19 know Dean Sacco called and complained he was going to evict
20 them because they hadn't paid the rent. They didn't find
21 child pornography. Linda didn't even have a computer hooked
22 up when she moved to Norwich. She had two computers when she
23 lived in Deposit. What she had in Norwich was a computer
24 someone donated to her that they hadn't hooked up that they
25 confiscated pursuant to search warrant. There was nothing on

1 it and they know she never hooked it up. No digital camera.
2 They seized a couple of disposable cameras. What pictures do
3 they find on this? Pictures of Shannon at her graduation for
4 sixth grade that Linda had to go to without being her
5 custodial parent because at the time she was in foster care
6 and Linda attended her sixth grade graduation and took
7 pictures.

8 So, really what does the government's case
9 against Linda O'Connor consist of? She purchased two pure
10 bred dogs for her daughter. That she did. She mismanaged
11 her money. She went to eat at a restaurant and she didn't
12 pay. She violated a court order and as a result she had
13 spent 90 days in jail. She's written bad checks before in
14 the past. She married a man who was serving a sentence in
15 state prison. She was a terrible mother to Walter, Burkett
16 Junior. She was neglectful when it came to Shannon. If
17 these were the things that she was charged with in this case,
18 you wouldn't be here because she would have pled guilty.
19 That's not what she's charged with here in this case. I
20 heard, you know, pieces of a puzzle being put together and
21 this is what you're going to see. Well, I would submit to
22 you that the puzzle pieces in this case are from several
23 different boxes and they're trying to jam them together and
24 they just don't fit. What you're really going to hear is
25 excuse after excuse why we don't have this or why this

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1 doesn't make sense. We didn't find this but this is why. We
2 don't have this and this is why. That's what this case is
3 going to consist of and she didn't tell about her mother
4 because she wanted to protect her. Well, it didn't sound
5 like she wanted to protect her on August 11. My mom is
6 verbally abusive, physically abusive. She beats me. She
7 tells everybody she can't stand her mother. It doesn't sound
8 like she's protecting her mother at that point. She knows
9 her mother is not a protective mother to begin with. That's
10 part of Shannon's problem. The government's case can be
11 summed up in five words. Sex, lies, and no videotape.

12 Thank you.

13 THE COURT: Thank you, Miss Peebles. All
14 right, ladies and gentlemen. We're going to take a short
15 break while we do some equipment adjusting and we'll get you
16 back in and start the proof.

17 (Short break taken).

18 (Jury present).

19 THE COURT: All right. Mr. Lovric, are you
20 prepared to call your first witness?

21 MR. LOVRIC: Yes, Judge.

22 THE COURT: You may do that now.

23 MR. LOVRIC: First witness we call is Sergeant
24 Patrick Blenis.

25 THE COURT: Okay.

Patrick Blenis - Direct

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1 THE CLERK: Sir, please state your full name
2 for the record.

3 THE WITNESS: My name is Patrick M. Blenis.
4 B, as in boy, L-E-N-I-S.

5 P A T R I C K B L E N I S, having been called as a witness,
6 being duly sworn, testified as follows:

7 THE COURT: Okay. Mr. Lovric.

8 DIRECT EXAMINATION

9 BY MR. LOVRIC:

10 Q Good morning, Sergeant Blenis.

11 A Good morning.

12 Q Sergeant, could you just for the members of the
13 jury again tell us your full name, where you work and what
14 your title is?

15 A My name is Patrick M. Blenis. I work for the
16 Norwich City Police Department. I currently hold the
17 position of sergeant.

18 Q How long have you been with the Norwich PD?

19 A I've worked for the Norwich Police Department for
20 13 years. I've been a police officer for approximately 15.

21 Q Okay. So total number of years with the department
22 is how many?

23 A Thirteen.

24 Q And your current duties as a sergeant, what does
25 that basically include, what kind of work do you do?

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1 A Currently my main function is patrol with enforcing
2 the state laws of New York.

3 Q And prior to becoming a sergeant, were you an
4 investigator with the police department?

5 A Yes, I was. Between October 2005 and December 31
6 of 2007.

7 Q And what kind of work did you perform as an
8 investigator?

9 A I investigated crimes against persons, property.
10 Mostly state laws involving crimes involving larcenies, sex
11 crimes, assaults, murder.

12 Q Okay. About how large is the Norwich Police
13 Department at its current level?

14 A Approximately 19 officers.

15 Q Sergeant Blenis, I would like to talk with you this
16 morning about a case that involves a person by the name of
17 Dean Sacco as well as Linda O'Connor and a person by the name
18 of Shannon O'Connor. Are you familiar with this case that
19 we're referring to?

20 A Yes, I am.

21 Q And when was it approximately that you first had
22 become aware of information that got you involved in this
23 investigation?

24 A March 2 of 2007.

25 Q And the persons that I mentioned, Mr. Dean Sacco

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1 and Linda O'Connor, do you see those persons in Court today?

2 A Yes, I do.

3 Q For the record, can you indicate where they are?

4 A They're to my right sitting at the defense table.

5 Q And which one is Mr. Dean Sacco?

6 A Mr. Sacco is wearing a blue shirt and Miss O'Connor
7 is wearing some sort of paisley top.

8 MR. LOVRIC: Just for the record indicating
9 the defendants that are on trial here.

10 THE COURT: The record will so reflect the
11 identification.

12 Q Sergeant Blenis, what was it that you first
13 received that initiated your involvement in this
14 investigation?

15 A I received information from Chenango County
16 Department of Social Services that there was a child who was
17 victimized, specifically raped by her landlord.

18 Q And who was it that you spoke with that provided
19 you this initial information?

20 A It would be Elizabeth Chesebro from Chenango
21 County.

22 Q Okay. And Elizabeth Chesebro was working where?

23 A With child protective.

24 Q In Chenango County?

25 A Yes. Department of Social Services.

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1 Q And as a result did you receive this information in
2 person or was it telephonically led to you?

3 A Both.

4 Q On March 2 of 2007, did you on that date actually
5 speak with a person named Shannon O'Connor?

6 A Yes, I did.

7 Q Where was it that you spoke with and interviewed
8 Shannon O'Connor?

9 A That was at the Norwich police station in the
10 upstairs interview office.

11 Q And how did Shannon arrive there, if you know?

12 A She arrived in the company of Elizabeth Chesebro.

13 Q And did you at some point then sit down with
14 Shannon O'Connor and interview her?

15 A Yes, I did.

16 Q Who was present during that interview?

17 A Elizabeth Chesebro.

18 Q And yourself?

19 A And myself, yes.

20 Q And besides yourself and Liz Chesebro, anybody
21 else?

22 A Shannon.

23 Q Besides the three of you?

24 A No, just the three of us.

25 Q And about when was it approximately, what time of

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1 day, I don't mean by time, just approximately was it morning,
2 afternoon, evening that this interview occurred?

3 A Afternoon, early evening.

4 Q In speaking with Shannon O'Connor, did she relay
5 information to you about things that occurred to her?

6 A Yes, she did.

7 Q Now, at that time on that interview, March 2 of
8 2007, during your interview with Shannon O'Connor, did she at
9 all disclose or say anything about any acts committed upon
10 her by her mother Linda O'Connor?

11 A No.

12 Q The interview that she disclosed things to you, who
13 was the person that she was saying had done things to her?

14 A Her landlord, Dean Sacco.

15 Q Now, prior to this date, prior to March 2 of 2007,
16 had you personally had any involvement or had you personally
17 ever known or met Shannon O'Connor prior to this date?

18 A No.

19 Q How about Linda O'Connor?

20 A No.

21 Q And how about Dean Sacco?

22 A No.

23 Q How would you describe Shannon's demeanor, how did
24 she appear to you while she is telling you the things that
25 she told you about?

1 A She was very scared. She was a little bit
2 apprehensive and she was very, I would say, clingy to
3 Elizabeth Chesebro.

4 Q About how long would you approximate that the
5 interview of Shannon O'Connor took place, for about how long,
6 just an approximation?

7 A I'd say more than, more than two hours.

8 Q And following the interview of Shannon O'Connor,
9 did you type up a summary in your report of the basic things
10 that she had told you that had occurred between her and Dean
11 Sacco?

12 A Yes, I did.

13 Q And I take it, again, the report that you prepared
14 from this interview she had not and you did not have any
15 information in there about anything dealing with Linda
16 O'Connor doing anything to her, to Shannon?

17 A That's correct.

18 Q In March of 2007, did you then open an
19 investigation in connection with Shannon?

20 A Yes, I did.

21 Q And what she had disclosed to you?

22 A Yes.

23 Q And your investigation in March of 2007 focused on
24 whom?

25 A Dean Sacco.

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1 Q And following that interview of Shannon on March 2
2 of 2007, did you become aware or were you aware of any
3 medical examination performed on Shannon at some point after
4 that?

5 A I learned that she had a medical exam on March 12
6 at the Chenango Memorial Hospital.

7 Q And at some point did you learn or did somebody
8 inform you as to the results of that medical exam?

9 A Yes.

10 Q Now, following the interview of Shannon on March 2,
11 did you then commence to do any type of background
12 investigation in trying to find out a little bit more about
13 Mr. Dean Sacco?

14 A Yes, I did.

15 Q And did you at some point get information as to
16 where you could find him, where he would be located?

17 A Yes. I learned that I could locate him in New
18 Jersey.

19 Q Okay. Do you remember what city or town in New
20 Jersey?

21 A Jersey City.

22 Q Did you at some point learn whether or not he had
23 any employment in the Jersey City, New Jersey area?

24 A Yes.

25 Q What did you know as far as what was the employment

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1 about or what was he doing down there as far as employment?

2 A I had a work phone number and that was all I had at
3 the time.

4 Q Okay. Now, at some point after the interview of
5 Shannon, and after trying to learn where Mr. Sacco was, did
6 you develop a plan where you were going to try to have
7 Shannon make phone calls to Dean Sacco?

8 A Yes.

9 Q What was the -- what was the plan that you wanted
10 to have her make the calls about? What was it that you
11 wanted her to do?

12 A Shannon was instructed to call Mr. Sacco on his
13 cellphone and engage him in conversation about possibly being
14 pregnant and that she was late for her period, and ask if he
15 used a condom the last time they had intercourse or the last
16 time there was a rape.

17 Q Now, at this point in time in your investigation
18 you are investigating what possible charges or offenses?

19 A Under the state statutes it would have been rape
20 first degree, rape second degree, criminal sexual act, and
21 criminal course of sexual conduct against a child.

22 Q So that's the focus of your investigation at this
23 point in time?

24 A Yes.

25 Q And why was it that you were going to ask or seek

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1 for Shannon to discuss with Mr. Sacco anything dealing with a
2 condom?

3 A To show that the rape occurred.

4 Q Had she disclosed anything to you about a condom?

5 A She said that during some of the rapes that Mr.
6 Sacco used a condom.

7 Q And what was the purpose for asking her also to
8 incorporate into these conversations the issue of her
9 possibly being pregnant or not pregnant?

10 A To get Mr. Sacco to talk to her about the rape.

11 Q Now, did there come a point in time that these
12 telephone calls were actually placed to Mr. Dean Sacco?

13 A Yes.

14 Q Directing your attention to two different dates
15 that I'd like to talk about, March 14 of 2007 and then
16 March 15 of 2007. On both of those dates, did you record
17 telephone calls made to Dean Sacco?

18 A Yes, I did.

19 Q Now, where did the March 14 and March 15 calls take
20 place from? Where were they made from?

21 A They were made from the police station on the
22 second floor actually in the chief of police's office.

23 Q And if I can talk first about the March 14, 2007.
24 On March 14, who was present when these calls were made to
25 Dean Sacco?

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1 A Shannon O'Connor, Elizabeth Chesebro, Deputy Chief
2 Van Miles and myself.

3 Q I take it the deputy chief is one of your bosses?

4 A He's since retired. He was at the time, yes.

5 Q At the time?

6 A Yes.

7 Q On March 14, prior to these calls or conversations
8 being made, the calls being made to Dean Sacco, did you
9 actually have discussion with Shannon about placing these
10 calls and what you wanted her to do or try to talk about?

11 A Yes.

12 Q And did you summarize somewhat what we just talked
13 about what you wanted her to talk about?

14 A Yes.

15 Q And on that date, was it your intention to tape
16 record these calls?

17 A Yes.

18 Q Now, during the calls that were going to be placed,
19 the conversations, did you or any other person in the room
20 have any communication with Shannon while she's on the phone
21 as to maybe where to take the conversation, what to talk
22 about?

23 A Yes. We actually passed notes to her.

24 Q Okay. And what was the purpose for that?

25 A As she was having a problem trying to engage him in

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1 conversation to bring up another topic relating to the rapes.

2 Q I take it the notes that were passed to Shannon,
3 who would pass her a note of the three people that were in
4 the room?

5 A Myself, Miss Chesebro, and actually I believe
6 deputy chief also did on occasion.

7 Q Now, on March 14, the first date that we're talking
8 about, what phone was used in this room at the police
9 department that all of you are seated, what phone was used to
10 make the outgoing call?

11 A The chief's phone. It was a blocked line.

12 Q What does that mean, it was blocked line?

13 A That means when you call out the numbers do not
14 come up, the actual phone number.

15 Q So is it fair to say it had a blocked caller ID?

16 A Yes.

17 Q So is it fair to say that the person on the other
18 line could not see what number is calling, it would appear as
19 either blocked or subscriber unknown, something to that
20 effect?

21 A Yes.

22 Q What was the purpose for making the call from a
23 blocked phone?

24 A So Mr. Sacco wouldn't know where the call was
25 coming from.

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1 Q Okay. So it wouldn't say Norwich Police
2 Department?

3 A Correct.

4 Q And what phone was it on March 14 that was dialed
5 to reach Mr. Sacco?

6 A Mr. Sacco's cellphone.

7 Q Okay. Do you have that number, do you have
8 anything with you to give us the number that you dialed or
9 that was dialed on that date?

10 A If I could just refer to my notes. The cellphone
11 number that she called was (908)906-7917.

12 Q And that phone number that you were calling was a
13 cellphone number for Mr. Sacco?

14 A Yes.

15 Q And how had you obtained that phone number or
16 determined that it belongs to Mr. Sacco?

17 A I learned of that number through records, through
18 city government.

19 Q And on that date, March 14, was a call actually
20 placed to Mr. Sacco?

21 A Yes.

22 Q Okay. The first call placed to Mr. Sacco, about
23 how long approximately do you believe it lasted?

24 A Approximately a little bit more than ten minutes.

25 Q Okay. And on that date had you prepared recording

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1 equipment to record the calls that were going to be made to
2 Mr. Sacco?

3 A Yes.

4 Q And that first call that was made to Mr. Sacco,
5 after the call was made, what did you do after the call was
6 made to Mr. Sacco?

7 A After the call was terminated with Mr. Sacco we
8 went back and checked the recording and found that it didn't
9 record.

10 Q So, the first call placed to Mr. Sacco, the
11 machine, for whatever reason, it did not record it?

12 A That's correct.

13 Q So when you went to play it back the recording was
14 not there?

15 A That's correct.

16 Q Now, were you present during that first call to
17 Dean Sacco and while Shannon spoke to him on the phone?

18 A Yes.

19 Q Could you hear what she was saying in the room that
20 you were present in?

21 A Yes.

22 Q Based upon what you heard, heard her talking to him
23 on that first call, what were the topics or topics that were
24 being discussed with Mr. Sacco?

25 MISS PEEBLES: Objection, Judge.

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1 THE COURT: Hearsay?

2 MISS PEEBLES: Yes. And if there are notes --
3 your Honor, can we have a side-bar?

4 THE COURT: Sure.

5 (At the Bench).

6 MISS PEEBLES: Judge, it appears that there's
7 some notes up there and we made a request for anything
8 related to that first call that did not get recorded. I
9 haven't seen any notes that Mr. Blenis took regarding that
10 first call and we specifically asked them for that. He sent
11 back that there was nothing from the detective himself.

12 MR. LOVRIC: I don't think there are any
13 notes.

14 MISS PEEBLES: Well, he just referred --

15 MR. LOVRIC: He has his reports up there which
16 you have copies of but I'm not asking for him to tell us what
17 Shannon said. I'm asking just for topics discussed.

18 THE COURT: Well, the topics come from what
19 she said, don't they? How else could he know?

20 MR. LOVRIC: I think there's a difference
21 between hearsay verbatim saying this is what she said or he
22 overheard what Dean said, that would be hearsay. I'm simply
23 trying to establish through him of the things discussed,
24 general topics, and then going onto the next call because the
25 same topics are discussed in the second and third or second

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1 and third and fourth calls.

2 THE COURT: Are you offering that to prove the
3 truth of what was being said or you offering it just to say
4 this topic was brought up?

5 MR. LOVRIC: Just that these topics were
6 brought up.

7 THE COURT: Not hearsay.

8 MR. LOVRIC: I'm not getting into what did she
9 say.

10 THE COURT: That distinction doesn't impress
11 me.

12 MISS PEEBLES: I understand that but I have a
13 real concern if he took notes about the first conversation, I
14 think we're entitled to them.

15 MR. LOVRIC: I'm not aware of any notes, Lisa.

16 THE COURT: We'll take a look at that issue.
17 I will ask him to turn over whatever he has in front of him,
18 I will look at that and we'll discuss it further. Would you
19 like me to excuse the jury when we do that?

20 MISS PEEBLES: I guess I can do it on
21 cross-examination, I suppose.

22 MR. FISCHER: I was going to, before we began,
23 I was going to look at whatever notes he brought with him.

24 THE COURT: I'm going to ask him to disclose
25 those, so you want to wait until cross?

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1 MISS PEEBLES: I suppose so because we're
2 probably going to break for lunch anyways.

3 MR. LOVRIC: For the record, I gave you
4 everything I have of his.

5 THE COURT: That remains to be seen. There's
6 a dispute about that.

7 (In open Court).

8 THE COURT: Just by way of explanation, we saw
9 the lawyers and myself go over to side-bar. None of us are
10 trying to hide anything from the jury, that's not the
11 purpose. We're discussing technical matters involving the
12 admissibility of evidence and there's no purpose at all for
13 you guys to have to listen to that. It's strictly technical
14 based on the Rules of Evidence and you'll see that happen
15 from time to time and hopefully this won't turn into OJ
16 Simpson. So we will not spend a lot of time at side-bar but
17 you may see us go over there from time to time.

18 Mr. Lovric.

19 MR. LOVRIC: Thank you, Judge.

20 BY MR. LOVRIC:

21 Q Sergeant Blenis, if I can clarify my last question
22 and ask you this: The first call did not record for whatever
23 reason, right?

24 A That's correct.

25 Q And my question I guess is -- the mike's are off --

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1 okay. I guess my question to you is: The topics that we're
2 going to hear talked about on the recorded calls that we're
3 going to play in a few minutes, my question to you is, the
4 topics on the recorded call that we're going to listen to
5 from your sitting in that room during the call that did not
6 record, were the same or different topics discussed during
7 the first non-recorded call compared to the second recorded
8 call?

9 A They were the same.

10 Q Same things discussed?

11 A Yes.

12 Q Okay.

13 MR. LOVRIC: Judge, at this time I've marked
14 as Government's Exhibit number 1 for identification. It is a
15 recording that I provided defense copies of the
16 communications on March 14, 2007 between Shannon O'Connor and
17 Dean Sacco during the time that Sergeant Blenis just
18 described. I would offer those calls into evidence and I'd
19 like to play those for the jury.

20 MR. FISCHER: Judge, I do have a hearsay
21 objection to those in particular. Those are hearsay.

22 THE COURT: Your hearsay objection is to what?

23 MR. FISCHER: To the statements by Miss
24 O'Connor in those recorded conversations.

25 THE COURT: Are you offering that matter for

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1 the truth of what Miss O'Connor said or are you offering it
2 to show the jury what the responses were by Mr. Sacco?

3 MR. LOVRIC: The calls are admissions by the
4 defendant being offered into evidence.

5 THE COURT: And the questions?

6 MR. LOVRIC: The questions by Shannon are
7 related to his responses and, therefore, admissible because
8 he adopts what she says and is responding to what she's
9 asking him. I don't believe it's hearsay because it's
10 admissions by the defendant.

11 THE COURT: I understand the admissions by the
12 defendant and in order to make those intelligible to the
13 jury, you have to also put in what Shannon O'Connor was
14 saying and I agree with that so we'll have that introduced
15 and accepted into evidence, that's Government's 1 subject to
16 connection.

17 MR. LOVRIC: At this point, Judge, I'm going
18 to play the entire recordings of March 14, 2007 which is
19 Exhibit 1.

20 (Playing Government's Exhibit 1).

21 Q Sergeant Blenis, was that the second phone call
22 placed to Mr. Sacco?

23 A That was the second phone call placed on the
24 14th.

25 Q Now, if I could ask you a couple of things about

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1 this conversation and then subsequent discussions on
2 March 14. After that call was placed to Mr. Sacco, do you
3 recall whether or not at some point after that call you asked
4 Shannon anything about this Grandpa George?

5 A I asked who he was and she didn't offer anything
6 else up about him.

7 Q Okay. I take it at that time on March 14, after
8 this call was placed, she did not tell you anything about
9 George having sexually abused her or anything like that?

10 A No, she did not.

11 Q Now, at the end of the conversation Shannon says I
12 have to go, something to the effect, my friend is here. Is
13 that something you or somebody else in the room was telling
14 her to at least get off the conversation at this point?

15 A Yes. That's correct.

16 Q Okay. And the reason for that was that you were
17 trying to get her to do what?

18 A Well, we were trying to get her off the phone,
19 phone call had gone a certain amount of time and they were
20 actually at the end of the conversation from what I could --
21 from what she was saying. We were going to make plans to set
22 up a second phone call or third phone call, I'm sorry.

23 Q Okay. And after this phone call was made on
24 March 14, did you actually have Shannon place other calls to
25 Dean Sacco?

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1 A Yes. On the 15.

2 Q What was the purpose for making the calls to Dean
3 Sacco on March 15?

4 A To engage him in conversation about the rapes that
5 occurred with her.

6 Q Okay. Primarily to talk more and try to elicit
7 more information from Mr. Sacco?

8 A That's correct.

9 Q Now, the March 15 phone calls, where were they made
10 from?

11 A They were, again, they were made at the police
12 station in the upstairs office, the chief's office.

13 Q And from what phone were the March 15 phone calls
14 placed?

15 A That phone call was made from Shannon's personal
16 cell.

17 Q Why was that decided to use her personal cellphone
18 on March 15?

19 A So Mr. Sacco would feel more comfortable, that's a
20 familiar number to him, something he could look at and see
21 what the actual number was that was coming to him.

22 Q Okay. And I take it by March 15 you had listened
23 to this recorded call that we just listened to?

24 A Yes.

25 Q And I take it you heard what Mr. Sacco said to

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1 Shannon during that call, about not being able to tell where
2 she's calling from?

3 A Yes.

4 Q And so the calls that are placed to him on the 15th
5 are from Shannon's cellphone?

6 A Her personal cellphone, yes.

7 Q Do you have anywhere indicated what that phone
8 number was to make the phone calls to Dean Sacco?

9 A Shannon's cellphone was (607)226-6539.

10 Q Who was present on March 15 when these calls were
11 made to Mr. Sacco?

12 A Elizabeth Cheseboro, Deputy Chief Van Miles and
13 myself and Shannon.

14 Q Okay. And at the Norwich Police Department?

15 A At the Norwich police station.

16 Q On March 15, did the same process occur in terms of
17 if somebody had something they wanted her to talk about,
18 they'd write it down or hand it to her?

19 A That's correct.

20 Q I take it, Sergeant Blenis, that at this point in
21 time that we're discussing which is the middle of March of
22 2007, you've been provided no information from Shannon
23 O'Connor regarding sex abuse by anybody but Dean Sacco?

24 A That's correct.

25 MR. LOVRIC: At this time, Judge, I've marked

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1 as Government's Exhibit number 2, which is tape recorded
2 conversations made on March 15, 2007 between Shannon O'Connor
3 and Dean Sacco from the Norwich PD on her cellphone. There
4 are several calls because one or two of the calls are dropped
5 and then are made again and then at one point Mr. Sacco also
6 calls back. So there's a series of conversations of calls.
7 I provided counsel with copies of those and I'm offering
8 Exhibit 2 into evidence.

9 MR. FISCHER: I have the same hearsay
10 objections, Judge.

11 THE COURT: All right. Well, overruled, but
12 we'll admit G-2 subject to connection.

13 BY MR. LOVRIC:

14 Q Sergeant Blenis, before I play the conversations
15 we're going to hear, I just wanted to ask you a couple of
16 questions about some things that occurred on the calls. At
17 some point there is what appears to be a news report or a
18 television reporter reporting some news. Do you recall that
19 part of the calls?

20 A Yes, I do.

21 Q Okay. On whose end is that coming from?

22 A Mr. Sacco's end.

23 Q Okay. So it's something when he puts Shannon on
24 hold that this news kind of report just kind of clicks in and
25 is talking about some event that happened?

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1 A Yes.

2 Q So it's not on your end on the Norwich side that
3 this is broadcasting?

4 A No.

5 Q Okay.

6 MR. LOVRIC: At this point, Judge, I'll play
7 the Government's Exhibit 2 conversations.

8 THE COURT: Okay.

9 (Playing Government's Exhibit 2).

10 BY MR. LOVRIC:

11 Q Sergeant Blenis, were those all of the calls and
12 communications between Shannon and Dean Sacco on March 15?

13 A Yes.

14 Q And subsequent to those phone calls, both on
15 March 14 and March 15, did you at some point then obtain an
16 arrest warrant for Mr. Sacco?

17 A Yes, we did.

18 Q Approximately when was that?

19 A If I could refer to my notes. That was March 16.

20 Q And was Mr. Sacco arrested on charges that were
21 filed?

22 A On the 19 he was arrested in Jersey City.

23 Q Okay. That was my next question: Where was he
24 arrested?

25 A Jersey City, New Jersey.

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1 Q I'm sorry?

2 A Jersey City, New Jersey.

3 Q The charges that you filed, what were the general
4 nature of the charges filed?

5 A Under the state statutes there were charges of rape
6 one, two counts. There was criminal sexual act first degree.
7 There were two informations filed for rape two and also
8 criminal sexual act second, and course of sexual conduct
9 against a child.

10 Q And now at the time that you obtained the arrest
11 warrant for Mr. Sacco, at that point in time, that being
12 March 16 of 2007, was the FBI involved in this investigation
13 in any way to your knowledge?

14 A No.

15 Q To the best of your knowledge when approximately is
16 it that the FBI becomes involved in this investigation?

17 A Not until January of 2008.

18 Q So some at least eight or nine months after this
19 time frame that we're still talking about right now?

20 A Correct.

21 Q When Mr. Sacco was arrested, did he at some point
22 appear then in New York State, was he brought to New York
23 State?

24 A Yes.

25 Q Approximately when?

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1 A Beginning of March.

2 Q Beginning of March or the warrant was issued
3 March 16?

4 A No. That would have been -- oh, I'm sorry. April.
5 That's my mistake. That would be April.

6 Q Okay. Approximately beginning of April of 2007?

7 A Yes.

8 Q And did you then at some point appear before a
9 state grand jury?

10 A Yes, I did.

11 Q Did you testify there?

12 A Yes, I did.

13 Q And on the date that you testified, did you see
14 whether or not Shannon was present?

15 A Shannon O'Connor was present for grand jury that
16 day.

17 Q Now, as of that time when you testified in the
18 grand jury in the state and Shannon appeared before the grand
19 jury, had Shannon disclosed to you or any other investigator,
20 to your knowledge, anything regarding George Lang or Linda
21 O'Connor as far as any kind of sexual abuse?

22 A No.

23 Q So up until that point, the disclosures that she
24 had made dealt with the things that we have discussed here
25 today?

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1 A That's correct.

2 Q Now, did there come a point in time approximately
3 in October of 2007, let me withdraw that. Let me first ask
4 you, Sergeant Blenis, in March of 2007, where is and by where
5 I mean in whose custody is Shannon O'Connor in March of 2007?

6 A She was in the custody of social services. She was
7 in foster care.

8 Q And from the time period that I'd like to talk
9 about next which would be March of 2007, through and up to
10 approximately the end of September of 2007, did she remain in
11 the foster care family that she was in custody of?

12 A As far as I knew, yes.

13 Q Now, after March of 2007 and after the charges that
14 you indicated were filed, did there come a point in time
15 after that that you were notified about additional
16 disclosures that Shannon had made which she had not
17 previously made either to you or anyone else?

18 A Yes.

19 Q How did you get notified? Who did you first hear
20 from?

21 A I heard from Elizabeth Chesebro from Chenango
22 County Child Protective.

23 Q And at some point after hearing about that, did you
24 participate in an interview of Shannon O'Connor?

25 A Yes, I did.

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1 Q Where did that interview occur that we're talking
2 about now?

3 A That interview happened at the Child Advocacy
4 Center on Robinson Street in the City of Binghamton.

5 Q Is it also sometimes called the Crisis Center or
6 the Binghamton Health Center?

7 A I believe so, yes.

8 Q Now, this interview that occurred, who was present
9 during the course of this first interview we're talking about
10 now?

11 A For that interview, it was myself, Elizabeth
12 Chesebro, and Shannon O'Connor.

13 Q And was this interview in any way to your knowledge
14 recorded?

15 A Yes, it was.

16 Q How was it recorded?

17 A By video.

18 Q Okay. Was the video an audio?

19 A Yes, it was audio and video.

20 Q And this interview that we're going to discuss at
21 this point, did this occur on or about October 29 of 2007?

22 A Yes, it did.

23 Q And just approximately how long would you say this
24 interview with Shannon occurred?

25 A More than an hour.

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1 Q And during that interview, let me withdraw that.
2 What was the purpose for you going to that location to
3 interview Shannon at that point in time?

4 A I had learned that Shannon had made further
5 disclosures and I was asked to come down and do the
6 interview.

7 Q Okay. Prior to going to interview Shannon at that
8 location, had you been provided with any information or any
9 notes about at least the general disclosures that Shannon had
10 made?

11 A The information that I had was that her mother was
12 involved.

13 Q Okay. And in going to that interview then I take
14 it you were going to ask her questions about that topic and
15 these more recent disclosures by her?

16 A That's correct.

17 MR. LOVRIC: Judge, the next item that I'm
18 going to go to is -- I'm going to mark and identify a
19 videotape of that interview that I'll be offering into
20 evidence. I've discussed with counsel, I don't think there's
21 any objection, but it will take a few minutes to set it up
22 and then the interview runs for about an hour, so I don't
23 know if this is good time to break.

24 THE COURT: I think that's probably right.
25 All right, ladies and gentlemen. It's about 12:30, we'll see

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1 you back at 1:30.

2 (Jury excused).

3 THE COURT: All right. Where are we with the
4 question of the witness' notes? Are you interested in this
5 Miss Peebles or not?

6 MISS PEEBLES: Yes.

7 THE COURT: You interested in seeing his notes
8 that he has here?

9 MISS PEEBLES: Yes, Judge.

10 THE COURT: You are referring to some notes,
11 Sergeant. Were they personal notes that you took or you
12 talking about reports that were filed?

13 THE WITNESS: Both. I'm not sure if you're
14 talking about the notes that had to do with the taped
15 conversations.

16 THE COURT: No. Just the notes you were
17 referring to as you testified that you would say --

18 THE WITNESS: I have some personal notes and
19 some reports.

20 THE COURT: Could you let Mr. Lovric have
21 those for a few minutes and then we can do what we have to do
22 with them. We promise we'll give them back to you.

23 THE WITNESS: Yes, sir.

24 THE COURT: Mr. Lovric, you want to come up
25 here and take these notes and then we can do what we have to

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1 do.

2 MR. LOVRIC: Yes, Judge.

3 THE COURT: Okay. All right. We're all set
4 until 1:30 then. You may step down.

5 (Lunch break taken).

6 THE COURT: Mr. Lovric, you want to put
7 something on the record.

8 (At the Bench)

9 MR. LOVRIC: Yes, Judge. This case has a lot
10 of twists and turns so I think this will probably be apropos
11 of a lot of things. During the lunch break I got a call from
12 Adam Lurie. He's an Assistant US Attorney in New Jersey.
13 Adam called me from his cellphone. Adam asked me if I'm
14 prosecuting the case against Dean Sacco and I said yes. He
15 then described the Dean Sacco that he knows and it appears to
16 be the defendant, Dean Sacco.

17 THE COURT: Okay.

18 MR. LOVRIC: Adam informed me that in the
19 spring and fall of 2006 Adam would spar in a boxing ring with
20 Dean Sacco; they went to the same gym and he was sometimes
21 sparring with Dean Sacco. Adam informed me that at times in
22 addition to sparring he would sometimes go on a run and Dean
23 would come by and ride his bike and kind of ride with him on
24 the run. He said they kind of developed, not a friendship,
25 just kind of knowing each other from the gym. The way Adam

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1 got to call me was this morning on -- in New Jersey, wherever
2 he works or resides, he saw an article in the paper about a
3 prosecution of a case in Binghamton, New York dealing with
4 Dean Sacco. So that's how he then made the inquiry saying I
5 wonder if it's the same Dean Sacco I know. You know, he has
6 access to our DOJ's sites for cases and assignments and
7 that's how he tracked me down. The relevant part that he
8 provided to me was that he says that the Dean Sacco that he
9 knew at one point told him that he owned a house near
10 Binghamton and Dean Sacco told Adam that he was having
11 trouble with the tenants in collecting rent from the tenants
12 and that she wasn't paying up in rent. Adam also told me
13 that at some point Dean Sacco inquired of what kind of work
14 he does. The AUSA -- he told him he's a federal prosecutor,
15 then Dean inquired of what kind of cases he works on. Adam
16 told him he works like on securities fraud and some other
17 white collar but he also told him he also picks up and
18 prosecutes child pornography cases. Adam says that Dean took
19 a great interest in Adam's case work on child pornography and
20 started to inquire of him how it was that those kind of cases
21 are put together, prosecuted, and how it is that evidence is
22 collected and information collected as to people that engage
23 in child pornography matters. And he said he generally
24 talked to Dean about how that occurs. They had some other
25 discussions about Dean's work and things like that and, you

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1 know, other stuff that was kind of just non pertinent.

2 As I said, I learned of this when I went for
3 lunch, that's how the AUSA got ahold of me. I'm going to be
4 putting Mr. Lurie tomorrow on the stand tomorrow to testify
5 about the two relevant things and I'm asking to amend my
6 witness list to that effect.

7 THE COURT: Let's hear what the defense has to
8 say about that.

9 MR. FISCHER: To put him on the stand
10 concerning the two relevant things, if I had heard two things
11 that I thought were relevant I would know what Mr. Lovric was
12 speaking of, but that they had some conversations about the
13 AUSA's work I don't think tends to prove in this case that
14 Mr. Sacco committed or did not commit the crimes that he's
15 charged with here. I don't think it tends to make those
16 facts -- those final facts more or less probable than they
17 would be without the evidence and, frankly, given the
18 witnesses' position as an Assistant US Attorney, the risk of
19 any prejudice here is tremendous. I also inquire of Mr.
20 Lovric whether the witness has access to the inhouse
21 information of the US Attorney's Office concerning this
22 matter, and if that's so, I think that opens some doors that
23 if the witness does testify that we should go into and find
24 out about but, frankly, your Honor, I think that the
25 balancing on it clearly weighs -- that's not to mention the

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1 late notice and the prejudice that accrues from that late
2 notice of such a real fundamental witness. Something like
3 that that's going to have a lot of sway with this jury just
4 because of his position as an Assistant US Attorney working
5 for the government and I would in the strongest terms object
6 to it.

7 THE COURT: Well, there's a lot of
8 conversations. Number one, did you want to say something
9 else Miro?

10 MR. LOVRIC: Yeah, Judge, I don't know if Miss
11 Peebles had anything to add.

12 MISS PEEBLES: It just sounds really desperate
13 to me. This is going to be another way to -- desperate
14 excuse to introduce evidence, so I object. It's totally late
15 notice. The case has had a lot of publicity not only here
16 locally, but also in Jersey City, now we're just going to be
17 told about it. Frankly, I don't know it would hurt my case
18 because, again, it's just going to be another desperate
19 excuse as to why they don't have what they have. That's
20 fine, your Honor.

21 MR. FISCHER: We have not had a chance to
22 speak with prospective jurors or jurors about any potential
23 prejudice. All the other witnesses were discussed with the
24 jurors. We explored many of the witnesses' roles in law
25 enforcement. What effect it might have. Some of them

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1 actually had problems with an enforcement officer being more
2 credible from the outset than law enforcement. Geez, you put
3 a Federal Assistant US Attorney up there and --

4 MR. LOVRIC: Somebody might believe him.

5 MR. FISCHER: In the same position that the
6 prosecutor in this case is.

7 THE COURT: There's some things I have to
8 think about. I think there's merit.

9 MR. LOVRIC: I'm sorry.

10 THE COURT: Let me make a decision, then you
11 can appeal it. I'm not going to make a decision this minute.
12 I'm going to look into some things, I'm going to tell you
13 what I'm going to look into. Anybody wants to help me out,
14 they can if they don't want to, I'll decide it on my own.
15 First of all, you've got a US Attorney in one office and
16 you've got another US Attorney in another office, both
17 Department of Justice employees. There's a canon of ethics
18 that says a lawyer can't testify in his own case and this is
19 what that sounds like to me. He's a part of your
20 organization. It's just like a partner in a firm. I
21 couldn't be trying a case and then call Phil Kramer to
22 testify on the stand as to some fact he may have seen.

23 MR. LOVRIC: Can I respond to that issue?

24 THE COURT: Yeah.

25 MR. LOVRIC: This -- this was not in any way

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1 done in his official capacity. This is not something that
2 he, through his job, had a relationship with Mr. Sacco. He
3 as a private citizen ran into Mr. Sacco. This is like an
4 AUSA becoming a witness to a homicide, then he can't testify
5 in the homicide case?

6 THE COURT: I don't know. I'm going to have
7 to look into it.

8 MR. LOVRIC: I'm saying, Judge, I don't think
9 that's an issue because it would be different if it was in an
10 official capacity that he was engaged in this observation or
11 hearing of things that Mr. Sacco said. He is merely another
12 witness. The fact that he's an AUSA is simply a factor.
13 That's not how to he came to be in contact with Mr. Sacco or
14 had gained this information.

15 THE COURT: Okay.

16 MR. LOVRIC: But in responding to
17 Mr. Fischer's objections, you know, first of all, both
18 counsel are saying notice. There is no notice obligation
19 other than the Court-ordered witness questionnaire which is
20 for the Court's convenience to run by the witnesses -- the
21 jurors if they know them. There is no notice requirement
22 that I tell the defense who I'm going to call or what they're
23 going to say for that matter. The only notice requirement I
24 have is Jencks and there is no Jencks. I asked the AUSA if
25 he wrote anything down and there is no other notes or files

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1 or things of that sort. So there is no notice violation here
2 because there's none that was required.

3 Secondly, I learned of it 25 minutes ago and
4 the way it was -- by the happenstance that I described. The
5 relevancy part, I find the defense objection really, I think
6 borders on it's relevant. They don't like it but it's
7 relevant. The defense would like to say that the rent issue
8 is not relevant. It's at the heart of our case. We're
9 proving that Dean Sacco had sex with Shannon and that Linda
10 O'Connor not only allowed him but knew about it because he
11 was either letting her slide on rent or in consideration for
12 rent money back and forth. The quid pro quo. This witness
13 has direct knowledge from Dean Sacco, an admission.

14 THE COURT: Is there going to be a derth of
15 evidence of the fact that she was back on her rent and wasn't
16 able to pay the rent? Don't you have other witnesses who can
17 testify to that?

18 MR. LOVRIC: That she was back on her rent?

19 THE COURT: That she didn't pay her rent on
20 time.

21 MR. LOVRIC: No, there isn't a derth. We have
22 the DSS.

23 THE COURT: Right.

24 MR. LOVRIC: We have DSS. We have Mr. Sacco's
25 statement to --

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1 THE COURT: Right.

2 MR. LOVRIC: -- excuse me, to Linda O'Connor's
3 statement to Sergeant Blenis.

4 THE COURT: Sure.

5 MR. LOVRIC: We have Bill Sorvino who he made
6 a statement to.

7 THE COURT: Lots of evidence, right?

8 MR. LOVRIC: I don't think so.

9 THE COURT: You just said it was.

10 MR. LOVRIC: Well, Judge, with all due respect
11 the jury may not think it's lot of evidence. They may say we
12 don't think that's a lot of evidence of the quid pro quo of
13 the government.

14 THE COURT: Maybe the defense -- somebody's
15 going to raise 403 and say it's cumulative. You were just
16 about going to do that.

17 MR. FISCHER: That's the first word I was
18 going to say.

19 MR. LOVRIC: With all due respect to the
20 defense, I think is this is an attempt to keep very relevant
21 evidence out.

22 THE COURT: Sometimes it works. I'm going to
23 have to think about it.

24 MR. LOVRIC: You know, with all due respect,
25 Judge, I think it's relevant and especially on the issue, not

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1 just the rent part, but when you take a look at the other
2 conversation Dean Sacco. He is charged with producing child
3 pornography and taking videotapes and photographs and we have
4 said to the defense and we will argue that Dean Sacco got rid
5 of those things from the time that Shannon called him to the
6 time that he was arrested. I don't know how anyone can say
7 it's not relevant. Again, to say it's harmful to their
8 case --

9 THE COURT: That's different.

10 MR. LOVRIC: It's true. But to say Dean
11 Sacco's inquiry into someone who has knowledge of
12 investigations dealing with child porn and video and
13 photographs and how investigators go around collecting and
14 prosecuting people who do that, at the very time that he's
15 doing this to Shannon. These conversation occurred in the
16 fall of 2006.

17 MR. FISCHER: He also mentioned, as I recall,
18 spring of 2006.

19 MR. LOVRIC: Fall of 2006 Dean Sacco is
20 photographing Shannon and him engaged in sex and at the same
21 time having conversations with a federal prosecutor who
22 prosecutes child porn cases, I believe I'm entitled to put
23 that in front of the jury because our argument is he
24 destroyed these things and how, well, he had some idea of how
25 damaging these materials are.

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1 THE COURT: He wouldn't without talking to a
2 federal prosecutor. Give me a break.

3 MR. LOVRIC: That's not the question.

4 THE COURT: Okay. I'll think about it.

5 (In open Court).

6 (Jury present).

7 THE COURT: All right. Do we have Sergeant
8 Blenis, would you come back up on the stand, sir?

9 THE WITNESS: Yes, sir.

10 THE COURT: Mr. Lovric.

11 MR. LOVRIC: Can I just have a moment, Judge?

12 BY MR. LOVRIC:

13 Q Good afternoon, Sergeant Blenis.

14 A Afternoon.

15 Q Mike's not on again. Sergeant Blenis, when we --
16 when we left this morning, I was discussing with you an
17 interview that occurred on October 29 of 2007. Do you recall
18 that?

19 A Yes, I do.

20 Q And you indicated that that interview of Shannon
21 was video and audiotape, is that correct?

22 A That's correct.

23 Q And were you present for the entire time of that
24 interview?

25 A Yes, I was.

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1 Q And you went to interview Shannon regarding what?

2 A Further disclosures made about acts committed
3 against her.

4 MR. LOVRIC: Your Honor, I've marked as
5 Government's Exhibit number 87. I've talked with both
6 counsel and we will offer Government's 87 which is a video
7 and audiotape of this interview conducted on October 29, 2007
8 of Shannon O'Connor.

9 THE COURT: I take it there's no objection
10 from defense?

11 MR. FISCHER: No objection.

12 MISS PEEBLES: No.

13 THE COURT: All right. We'll receive
14 Government's 87 in evidence and permit it to be shown to the
15 jury at this time.

16 MR. LOVRIC: Judge, I'll play that now. It
17 runs for approximately a little over an hour.

18 THE COURT: Thanks for the warning.

19 MR. LOVRIC: Just a correction on that. It is
20 88. I'm sorry. I misnumbered my exhibits.

21 THE COURT: That's all right. Eighty-eight's
22 in evidence.

23 (Playing Government Exhibit 88).

24 BY MR. LOVRIC:

25 Q Sergeant Blenis, the video we just finished

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1 watching, was that the entire video of that entire interview
2 that you spoke of earlier?

3 A Yes.

4 Q Now, as of that date being October 29 of 2007, as
5 of that date had Shannon yet disclosed anything regarding
6 George Lang or sexual abuse occurring in the Deposit area?

7 A No.

8 Q Okay. On the October 29 interview that we just
9 saw, I take it Shannon, during the course of that interview,
10 described and disclosed certain things about the camera by
11 Dean Sacco and her mother?

12 A Yes.

13 Q I take it that was the first time that you heard
14 that from her about the camera use by Mr. Sacco and Miss
15 O'Connor?

16 A That's correct.

17 Q She had not disclosed that to you in that previous
18 March 2 interview?

19 A No, she did not.

20 Q Sergeant Blenis, I apologize. Before the lunch
21 break there was an event that I had forgotten to cover that
22 I'd like to go back to that occurred on March 22 of 2007
23 which is prior to the interview we just saw. I apologize. I
24 forgot to cover that.

25 Do you recall on March 22, 2007 interviewing Linda

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1 O'Connor?

2 A Yes, I did.

3 Q Where did that interview take place?

4 A That interview took place at the city police
5 station.

6 Q And how did Miss Linda O'Connor come to be or come
7 to the police station?

8 A I picked her up at her residence at 45 Fair Street
9 and asked her to come back for an interview.

10 Q Did she do so voluntarily come back with you?

11 A Yes.

12 Q And did you actually sit down and speak with her on
13 that date and interview her?

14 A Yes, I did.

15 Q And during the course of that interview, did Miss
16 O'Connor provide information to you about certain things that
17 you were asking about?

18 A Yes, she did.

19 Q Did you at some point ask her or speak to her about
20 her living arrangement or how she came to live at 45 Fair
21 Street?

22 A Yes, I did.

23 Q What did she say to you about that?

24 A She told me she moved to 45 Fair Street August 2 of
25 2006. That she moved there because that's where she

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1 relocated. They were flood victims, her and her daughter.

2 Q And did she indicate whose property it was that she
3 had moved to, who owned that property?

4 A She advised that Dean Sacco owned the property. He
5 was the landlord and that he lived in New Jersey, Jersey
6 City, New Jersey and that he would come up on weekends and
7 stay in the upstairs apartment and also do work on the
8 property when he came up on weekends.

9 Q Did Linda O'Connor indicate to you how much she was
10 paying in rent for her apartment?

11 A She told me she was paying \$600 a month in rent and
12 at some point she had gotten HUD assistance and that was a
13 little bit later.

14 Q Did she indicate in what month it was HUD
15 assistance commenced?

16 A I believe February.

17 Q You believe so or you're not sure?

18 A If I could look at my notes, I could tell you.

19 Q I take it you prepared a report after that
20 interview?

21 A Yes.

22 Q If you could take a look at that and see if that
23 refreshes your recollection.

24 A I'm sorry. I stand corrected. That would be
25 January of 2008 or, I'm sorry, 2007. January 2008.

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1 Q Okay. So she indicated that's when HUD assistance
2 began to pay for some of her rent?

3 A Yes.

4 Q Did Linda O'Connor on that date tell you whether or
5 not there were occasions when she would get into any
6 arguments with Dean Sacco about rent?

7 A Yes, she did. She said that they would have
8 arguments about her being behind in the rent and Dean had
9 threatened to kick her and Shannon out and that Shannon was
10 present for some of those conversations.

11 Q And did she indicate to you during that course of
12 that interview whether or not she was having any kind of
13 financial difficulties?

14 A She said that she had financial difficulty and fell
15 behind in her rent.

16 Q Did she indicate whether or not there were any --
17 there was any social services involvement with her and
18 Shannon at the time of your interviewing her?

19 A She did. She said about that time she had problems
20 with Family Court with Shannon and that social services got
21 involved.

22 Q Did Linda O'Connor speak to you about any Family
23 Court order that had been issued by a Family Court Judge?

24 A Yes.

25 Q What did she tell you?

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1 A That there was a family court order that was issued
2 in November of 2007 and the order specified that she not have
3 her daughter around Dean Sacco unsupervised.

4 Q What year was it she said this order was issued?

5 A If I can look at my notes. 2006, November 2006.

6 Q Okay. And she indicated that this order told her
7 to do what?

8 A That she couldn't have her daughter around Dean
9 Sacco unsupervised.

10 Q Did you ask her or did she tell you whether or not
11 she followed this Family Court order?

12 A She told me that she didn't. She stated that she
13 trusted Dean and let her daughter go with Dean to different
14 locations on several occasions. And also that she allowed
15 Shannon to go to the upstairs apartment with him unsupervised
16 on several occasions after the order.

17 Q Did she indicate in any way how many times it was
18 that she allowed her daughter to be alone with Dean Sacco?

19 A Several.

20 Q I don't know if I asked this but did she offer an
21 explanation as to why it was she violated this order by the
22 Family Court Judge?

23 A Again, she said that she trusted Dean and that was
24 why she violated the Family Court order.

25 Q Now, if I could, Sergeant Blenis, I'd like to turn

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1 back to the time frame forward from this October 29 interview
2 that we just watched. So, following the October 29, 2007
3 interview, did you take part in another videotaped interview
4 of Shannon O'Connor?

5 A Yes.

6 Q I'm sorry.

7 A On December 5.

8 Q Of what year?

9 A 2007.

10 Q Okay. So, between October 29 of 2007 and
11 December 5 of 2007, are there any other interviews of Shannon
12 between that time frame by yourself?

13 A No.

14 Q And how were you informed of any disclosures by
15 Shannon prior to interviewing her on December 5 of 2007?

16 A I was made aware by Liz Chesebro that there was
17 further disclosure by Shannon.

18 Q What was your purpose then in participating with --
19 being present when this interviewed happen on December 5,
20 2007?

21 A To gather information about those disclosures.

22 Q Where did this interview on December 5 take place?

23 A At the child Advocacy Center on Upper Front Street
24 in Binghamton.

25 Q Same place we just saw on October 29 in the video?

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1 A Yes.

2 Q And on December 5 of 2007, who actually conducted
3 the interview in the interview room?

4 A That would be Denise Oliver. She's a forensic
5 interviewer with Child Advocacy Center.

6 Q Who else was with Denise Oliver?

7 A Elizabeth Chesebro from Chenango County Child
8 Protective.

9 Q Where were you during the December 5 interview?

10 A I was in the control room where you could observe
11 the interview and also have interaction through an earpiece
12 and a mike.

13 Q Okay. During the December 5 interview did you
14 communicate with anybody through this earpiece mechanism
15 during the course of the interview?

16 A Yes. I was able to speak with Denise Oliver
17 through the microphone with her using the ear mike.

18 Q Okay. So I take it when you spoke, only Denise
19 would hear you in her earpiece?

20 A Yes.

21 Q What was the purpose or logic, if I can call it
22 that, of having Denise Oliver and Elizabeth Chesebro conduct
23 this December 5 interview?

24 A If there was further disclosure, I thought it would
25 be better if Denise and Elizabeth made the interview. I

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1 thought they'd be more comfortable or Shannon would be more
2 comfortable with Denise and Elizabeth.

3 Q Okay. Was the entire interview video and audio
4 recorded?

5 A Yes, it was.

6 MR. LOVRIC: Judge, I mark as Government's
7 Exhibit number 89 the video interview of December 5, 2007.
8 I'm offering it into evidence. I don't believe there's any
9 objection but --

10 MR. FISCHER: No objection.

11 MISS PEEBLES: No objection.

12 THE COURT: All right. Receive Government's
13 89 in evidence.

14 MR. LOVRIC: We can go ahead and play that if
15 that's okay.

16 THE COURT: How long is this?

17 MR. LOVRIC: I believe it's approximately one
18 hour.

19 THE COURT: Okay. Maybe we'll watch half of
20 it and take a break. One of the jurors would like a break?

21 A JUROR: Yes, please.

22 THE COURT: Would you like a break?

23 A JUROR: Yes, please.

24 THE COURT: You got it.

25 (Short break taken).

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1 THE COURT: Mr. Lovric, do you have
2 transcripts of these interviews?

3 MISS PEEBLES: I do, Judge. As I'm following
4 it, there's a few slight mistakes but I can make copies and
5 have them provided.

6 THE COURT: Well, if you give them to me we'll
7 make the copies and that way you guys don't have to pay for
8 it, or if you'd rather make them that's fine.

9 MISS PEEBLES: No, Judge. The one now, if you
10 want to have it so they have to follow along for this one.

11 THE COURT: Great. Let me come down here.

12 (Discussion held off the record)

13 (At the Bench).

14 THE COURT: After the videotape was played and
15 the juror asked for a break, I had three different people
16 tell me they couldn't hear a thing on that tape. I could
17 hear bits and pieces but very few and far between of what she
18 was saying, Shannon. I could hear the officer on most
19 occasions and I could hear Miss Chesebro all the time but I
20 couldn't hear the answers so I'm going to put that to the
21 jury to see if they could hear it and if they can't hear it,
22 then I think we're going to have to present it to them in
23 another form.

24 MISS PEEBLES: I do have the transcript and if
25 the government agrees with what's in it we could and

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1 Mr. Kelly -- Mr. Fischer, then we could, you know, agree and
2 let them have the transcript.

3 MR. LOVRIC: Let me take a look at it. Yeah,
4 I mean, the problem is, Judge, no offense to the Court but
5 the system doesn't work well. You can hear it a lot better
6 at a personal computer when it's playing on speakers.

7 MR. FISCHER: I tried it on a PC. I had
8 trouble with it even with ear buds.

9 MISS PEEBLES: We had those enhanced, the ones
10 that Miro played, we actually had them enhanced as best we
11 could better than what we originally received.

12 THE COURT: It's always been customary in my
13 recollection when you've got a tape like, especially when
14 you've got drug dealing conversations, that a transcript is
15 given to the jury to follow. I realize it's all in English,
16 three English speed people all sitting in a room nice and
17 quiet, that thinking would not apply but after listening to
18 that I really couldn't hear a lot of it and other people that
19 were not jurors spoke to me directly and said they couldn't
20 hear it. Colleen said the jurors told her they couldn't hear
21 it. Marlene, you want to give me that stuff. I think we
22 better make that inquiry and then take some time -- I'm not
23 sure if we want to go through the same process again and have
24 the same defect. You haven't reviewed the transcript so you
25 don't know if they're accurate. How do we get out of this

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1 dilemma?

2 MR. LOVRIC: Judge, put it this way, until
3 this morning I wasn't really expecting to be able to put
4 those things in and then it occurred to me after the defense
5 openings --

6 THE COURT: They wanted it.

7 MR. LOVRIC: -- they were going to put it in.
8 I had no objection to them going in but to be perfectly
9 honest, if the defense didn't want them in I don't think I
10 could have put them in so that's why I wasn't, you know,
11 preparing a transcript because I really didn't think but
12 after the openings I knew that the defense wanted them and
13 was going to be putting them in and so on. I don't have any
14 objection to the transcript being provided to them as an aid.
15 I have no objection.

16 THE COURT: That's the way we do it.

17 MR. LOVRIC: I have no objection to video/
18 audio tapes going to the jury. If I could just maybe look at
19 these things overnight and the jury can be told if the
20 defense wants that, they will have these as an aid, if they
21 want to utilize them in the jury room and if they want to
22 come back and see the tapes as well. I don't have any
23 objection to that if that's what the defense wants.

24 THE COURT: So right this minute it would be
25 futile to call the jury in and play the second videotape

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1 unless they say they could all hear it fine.

2 MR. LOVRIC: The second one.

3 MISS PEEBLES: It's about as hard as the first
4 one I think. I mean, as far as her voice, it doesn't carry
5 very well.

6 THE COURT: She's very soft spoken.

7 MISS PEEBLES: My assessment, they were both
8 hard to hear. Maybe the first one was slightly harder.

9 MR. LOVRIC: I think the first one is harder
10 to hear than the second one but the second one is easier than
11 the first one.

12 THE COURT: I'd rather not have them play the
13 second one twice. We may have to play the first one over
14 again.

15 MR. LOVRIC: That's up to you, Judge.

16 THE COURT: We can have an audibility hearing.
17 I'm going to say they're not audible. Maybe, maybe. All
18 right. I'm going to ask the jury to come back. Do you have
19 other evidence to present this afternoon?

20 MR. LOVRIC: Through this witness I have about
21 half hour's worth of additional through this witness?

22 THE COURT: Do you have another witness ready.

23 MR. LOVRIC: No. I didn't think we'd get
24 through him today.

25 THE COURT: Not with the tapes you wouldn't.

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1 You're right.

2 MR. LOVRIC: Plus we then have to put him on,
3 come back to go on for the second tape.

4 THE COURT: What we can do, we can -- if you
5 can look through this quickly, we can reproduce this and give
6 it to the jury to follow the audio -- to take it and follow,
7 be seeing and listening to it. That way we'll have it in
8 evidence and fill up the rest of the day. Do you want to
9 look at this quickly?

10 MR. LOVRIC: This is which tape?

11 THE COURT: This is the one that's coming up.
12 Second one.

13 MR. LOVRIC: Go through it real quick.

14 (Discussion held off the record).

15 THE COURT: I want to get the jury in.

16 (Jury present).

17 THE COURT: Ladies and gentlemen, after you
18 went on your break, a couple of people approached me and said
19 they couldn't hear anything as being said on those tapes.
20 Did anybody have any trouble hearing any parts of the tape?
21 If you did -- everybody. So it's not that I'm totally deaf
22 because I couldn't hear anything.

23 All right. So we're going to try to remedy
24 that with a second tape. What we're going to do is pass out
25 a transcript of what was said and we'll play the tape and

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1 watch how it is that the people are saying what they're
2 saying and you can follow it along and you'll know what they
3 said and that might even be of help to you. Go back out and
4 we'll get that all ready and get you all in here. Another
5 break.

6 (Jury excused).

7 THE COURT: Mark it as probably 89-T, that all
8 right, Miro? Kelly, is that okay with you? Lisa, is that
9 okay with you?

10 MISS PEEBLES: Mark it 89-T and I'll let them
11 use it to help as a guide. It won't get into evidence.

12 MR. LOVRIC: We copied the wrong one, Judge.

13 THE COURT: I already asked her about that.
14 It says first, I fell into that trap. I think Lisa was
15 trying to catch it.

16 MISS PEEBLES: Actually it's this one and it's
17 marked first.

18 MR. LOVRIC: I said this before. This is a
19 transcript of the first video we just heard.

20 MISS PEEBLES: He's right. It says first. My
21 secretary put first with Shannon, Pat Blenis and Elizabeth
22 Chesebro. She put first video with Shannon, Denise Oliver,
23 Liz Chesebro. So, when you took both copies it did say first
24 and that was her thinking apparently and she labeled them and
25 I didn't catch it but it appears that Colleen just made

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1 copies of the first one.

2 THE COURT: All right. Let's make copies of
3 the second one.

4 MISS PEEBLES: But we needed copies of the
5 first one anyway.

6 THE COURT: Yes, we did ultimately.

7 (Jury present).

8 THE COURT: All right. Ladies and gentlemen,
9 you found on your chairs as you came in a copy of the
10 transcript of the tape we're about to see which is the second
11 tape to be viewed here this afternoon involving Shannon
12 O'Connor and other folks.

13 So, are you ready to roll that, Mr. Lovric?

14 MR. LOVRIC: Yes, Judge.

15 THE COURT: And the transcript is not
16 evidence, I want to tell you that right off. It's to allow
17 you to hear and view the evidence which is on the tape but
18 the transcript -- it will make it easier for you to follow
19 what's being said, hopefully hear it this time. So we'll go
20 ahead and play it. Follow right along with the transcript.

21 (Playing Government's Exhibit 89)

22 THE COURT: All right. I think that's enough
23 for today, ladies and gentlemen. We can watch the rest of
24 this tomorrow morning. Once again, we're going to start at
25 10:00 because I have a 9:30 procedure and let me once again

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1 tell you not to talk about the case among yourselves or with
2 anybody else or permit anyone to speak to you about this
3 case. If that happens, please inform the clerk or myself,
4 and also try to avoid the media. There's stuff in the media
5 this morning they said. We want you to decide the case based
6 on what you hear in the courtroom not what somebody else
7 heard how things were happening. Have a nice evening, we'll
8 see you tomorrow at 10:00.

9 (Jury excused)

10 (At the Bench)

11 THE COURT: The Court has done some research
12 without help from any of the parties with respect to the
13 testimony of the AUSA from New Jersey and my preliminary
14 ruling is that I will allow him to testify but only as to the
15 topic of what Mr. Sacco was quizzing him on with respect to
16 preparing, trying evidence involved in a case where you have
17 child pornography and I won't permit him to testify about any
18 conversations that Mrs. O'Connor may have had with him about
19 being late on the rent because I think that would be
20 cumulative under 403.

21 Yes, sir, Mr. Fischer.

22 MR. FISCHER: Your Honor, I stated my
23 positions earlier on the record. I take an exception to that
24 ruling. I also, as I indicated earlier, feel that, you know,
25 it opens a door with respect to communication among the US

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1 Attorney's Offices concerning these matters, preparation of
2 these matters and how they do it. If there are any
3 communications between these offices concerning these
4 subjects, I would like to and I believe I should know about
5 them before hand so there can be an appropriate
6 cross-examination.

7 THE COURT: Jencks material?

8 MR. FISCHER: Basically, yes.

9 MR. LOVRIC: There is no communication between
10 New Jersey and ours. The Department of Justice is enormous
11 and New Jersey doesn't have any direct access to our cases
12 and I think I indicated how this AUSA learned of this matter.
13 He read about it in the paper and that's what triggered his
14 mind and he actually had to go through different steps to
15 find out and he first called the FBI and then left a message
16 for the FBI agent to get a message to me and that's how he
17 found where it was. But he doesn't have any access to our
18 files. There has been no file sharing. You know there is
19 nothing there in terms of Jencks because he knew Mr. Sacco
20 and his personal life, not professional. And there is no
21 professional interaction or connection.

22 THE COURT: Are there any communications
23 between you and this gentleman by e-mail or in writing?

24 MR. LOVRIC: I first spoke to him like at one
25 today when I learned he reached out to the agent that was

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1 trying to find me. That's when I first spoke to him. Prior
2 to that, I didn't know he existed, he didn't know I existed
3 so --

4 THE COURT: Between one today and now are
5 there any e-mails or any other communications that are in
6 writing form?

7 MR. LOVRIC: Yes. I called him and spoke to
8 him on the phone. I did e-mail him, because he asked me for
9 a photo of our defendant because he says he knows Dean Sacco
10 and he described in my phone conversation the Dean Sacco he
11 knew and in my mind I knew he was talking about the same
12 person because he described him. He also talked about the
13 boxing thing which I know Mr. Sacco boxed because I have
14 tapes of him boxing at the gym that the AUSA talked about so
15 I did e-mail him a photo, confirmed that's the Dean Sacco he
16 knows.

17 THE COURT: Okay.

18 MR. LOVRIC: I'll give Kelly Fischer the photo
19 I have.

20 MR. FISCHER: Okay.

21 THE COURT: Thank you.

22 MR. LOVRIC: That is the only e-mail
23 communication I've had with the AUSA.

24 THE COURT: Miss Peebles?

25 MISS PEEBLES: Your Honor, I suppose when it

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1 comes to instruct the jury, we're going to have a list of
2 limiting instructions that we would ask the Court to read.

3 THE COURT: If you want me to give one
4 contemporaneous with the testimony of the witness, I'll be
5 glad to consider anything you offer in that regard.

6 MISS PEEBLES: Okay.

7 THE COURT: You can think about it between now
8 and tomorrow morning. Perhaps there's something you want me
9 to say in limine, if it's appropriate, I'll consider that
10 instruction.

11 Thank you.

12 (Court stands adjourned)
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C E R T I F I C A T I O N

I, VICKY A. THELEMAN, RPR, CRR, United States Court Reporter in and for the United States District Court, Northern District of New York, do hereby certify that I attended at the time and place set forth in the heading hereof; that I did make a stenographic record of the proceedings had in this matter and cause the same to be transcribed; that the foregoing is a true and correct copy of the same and the whole thereof.

VICKY A. THELEMAN, RPR, CRR
United States Court Reporter
US District Court - NDNY

Dated: Augst 8, 2008.